

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. David Granville Tanner**

**Docket No. 7:12-CR-70-1BR**

**Petition for Action on Probation**

COMES NOW Melody M. Eberhardt, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of David Granville Tanner, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on January 14, 2013, to a 36-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgement.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On September 23, 2013, the defendant was charged with Driving While Intoxicated while aboard Marine Corps Base Camp Lejeune in Onslow County, North Carolina. On September 24, 2013, the defendant reported the charges to the probation officer. The defendant reported that he had consumed approximately 13 beers between getting off work and 11:00 PM. The defendant was sitting in his car in a parking lot talking on his cell phone when he was approached by Military Police Officer Wilson. Officer Wilson instructed the defendant to leave the parking lot. The defendant proceeded to drive away, followed by Officer Wilson, and was stopped again by Officer Wilson approximately 5 miles from the parking lot. The defendant was administered a field sobriety test and passed. The defendant was arrested, transported to the Provost Marshal Office and given a breath test. The defendant's Blood Alcohol Content (BAC) registered at 0.10. The defendant was released following the BAC test. His driving privileges on base have been temporarily suspended. The charge is pending disposition.

The probation officer is recommending imposition of community service and a drug treatment condition to adequately address the violation conduct. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Melody M. Eberhardt  
Melody M. Eberhardt  
U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546  
Phone: 910-346-5109  
Executed On: September 25, 2013

**ORDER OF COURT**

Considered and ordered this 1 day of October, 2013, and ordered filed and made a part of the records in the above case.

  
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W. Earl Britt  
Senior U.S. District Judge